

AFFORDABLE CARE ACT (ACA): CONSUMER ASSISTANCE PROGRAM GRANTS

Project Narrative

The Affordable Care Act of 2010, or ACA, will create the biggest expansion of health care coverage in our nation's history. The Massachusetts (MA) Executive Office of Health and Human Services (EOHHS), the Secretariat responsible for administering state-sponsored human services programs that serve the financially and medically needy, has developed a state government-wide ACA workgroup, led by EOHHS Secretary JudyAnn Bigby, MD, that is responsible for monitoring and ensuring implementation of all ACA provisions.

Ability to Advocate Freely and Vigorously on Behalf of Consumers – Because ACA implementation is being coordinated through the Secretariat, EOHHS will be the project lead for this grant program: *Navigating ACA: Consumer Assistance for MA*. EOHHS has a long history of working directly and collaboratively with the very active and effective health advocacy community in MA. In October 2010, EOHHS, in partnership with two non-profit health consumer advocate organizations, Health Care for All (HCFA) and Health Law Advocates (HLA), was awarded a Consumer Assistance Program grant through the Centers for Medicare & Medicaid Services Center for Consumer Information and Insurance Oversight (CCIIO). Through this grant award, EOHHS, HCFA and HLA collaborated on implementing a successful Consumer Assistance Program that provided robust consumer education and health insurance enrollment assistance, appeals assistance, and tracked and resolved consumer issues related to the Affordable Care Act. To build on this innovative collaborative partnership, EOHHS will again contract with HCFA, a nonprofit health consumer advocacy organization that has the requisite expertise and successful track record in educating consumers of all backgrounds about their health care options, assisting consumers to obtain coverage and care they need and deserve.

To expand upon the 2010-2011 MA CAP program, HCFA will subcontract with ten community-based organizations (CBOs) that are experienced successful health care consumer-focused non-profit organizations. The CBOs will be located throughout the state and will serve as additional access points for MA residents in obtaining information, counseling on health coverage options and enrollment assistance. HCFA will also subcontract with HLA to assist consumers with filing complaints and appeals with their health plans. HLA has extensive experience in assisting and representing consumers by providing pro bono legal help to residents of every MA County, who may have been unjustly denied access to health care. We are confident that this collaboration, utilizing HCFA, HLA, and the CBOs' experience, along with EOHHS' health policy expertise, will prove to be a very successful consumer assistance program model to pioneer best practices that address consumer health insurance coverage barriers.

Ability to Report Objective Data to Secretary of HHS – EOHHS will be responsible for oversight and management of *Navigating ACA: Consumer Assistance for MA*, submitting required reports to the Secretary of Health and Human Services (HHS), and convening meetings with HCFA and its CBO partners, HLA, existing Commonwealth of MA ombudsman and consumer assistance programs to share program status updates. These include the Office of MA Attorney General's Health Care Helpline and Mediation Services, the MA Division of Insurance, the MA Department of Public Health's Office of Patient Protection, the MassHealth (Massachusetts's Medicaid program) Member Education Office and the Massachusetts Health Connector. EOHHS has extensive experience reporting objective data on Medicaid and other EOHHS agency activities to the Secretary of HHS. EOHHS will ensure grant reporting reflects HCFA's, the CBOs' and HLA's experiences and findings and that it includes objective data on

responsiveness of agencies that oversee private health insurance, group health plans and public coverage.

Capability to coordinate closely with state insurance regulators - HCFA and HLA have a long history of successful collaboration with state agencies including EOHHS, MA Division of Insurance, the MA Department of Public Health Office of Patient Protection, the MA Attorney General's office and the MA Health Connector both as an advocate and partner in serving the needs of residents of the Commonwealth. During the previous CAP grant term, coordination took place frequently between these state agencies and HCFA and HLA. This included, when appropriate, referrals from HCFA and HLA to state regulator programs and vice-versa. In addition to working closely with state insurance regulators, HCFA also coordinated with existing consumer assistance programs in the Commonwealth with regards to ACA.

SCOPE OF PROGRAM ASSISTANCE

1. Appeals assistance. HCFA and HLA are both independent nonprofit organizations already practiced in identifying and filing complaints and appeals and are therefore well-positioned to advocate for consumers with all types of health insurance payers. This experience includes filing appeals with the internal appeal or grievance process of the group health plan or health issuer involved and providing information about the external appeal process. The HCFA Helpline identifies consumers in need of assistance in filing complaints and appeals and connects them to appropriate legal assistance at HLA for resolution. HCFA's CBO partners will undergo comprehensive training provided by HCFA and HLA on appeals processes and on how to make an appropriate referral to HLA. While maintaining client confidentiality, HLA will provide a wide range of data to HCFA including the number, outcome, and geographic diversity of complaints and appeals filed by HLA under the subcontract. Additionally, HLA will operate a

toll free number to be published on private health insurance plans' Explanation of Benefit (EOB) Notices for consumers that may require appeals assistance. Consumers contacting HLA in response to EOB notices will be provided with assistance including information, referrals and appeals or grievance assistance.

2. Assisting Consumers with Enrollment. HCFA's bilingual HelpLine counselors will provide consumers with all-payer health plan counseling and enrollment assistance as is needed throughout the implementation of ACA. HCFA's CBO partners will also be a local resource for consumers to access all-payer health plan counseling, application and enrollment assistance for health insurance coverage. The Helpline and CBOs will provide direct enrollment assistance to consumers for health coverage plans of all types and payers. When applicable, Helpline and CBOs will help consumers enroll in public programs that provide direct coverage and/or help pay for their group health plan and health insurance premiums. HCFA and CBOs will be prepared to assist consumers with understanding their eligible health benefit coverage and obtaining their tax credits when they become available.

3. Consumer education. Although most Massachusetts residents are aware of the passage of national health reform, many consumers are confused by how the new law affects them or where to get effective help in navigating its provisions. HCFA plans to conduct a statewide grassroots educational and outreach campaign to alert consumers to newly available programs and inform them of rule changes that may affect their coverage. HCFA and its ten CBO partners will work with community, faith and business leaders to effectively raise awareness about the services offered through the MA CAP program that can assist consumers with making most appropriate choices.

Although Massachusetts has over 98% of its residents insured, it still remains difficult to reach certain populations. Recent reports have indicated minorities and individuals with limited English proficiency (LEP), particularly Hispanics, in Massachusetts are at far greater risk of being uninsured. To help address this, HCFA will develop and conduct a targeted, culturally and linguistically competent consumer outreach and education marketing campaign to non-and-limited English speaking communities that will produce key messages that will resonate with these populations. HCFA will use a variety of ethnic media channels throughout MA to educate hard-to-reach consumers about the benefits, and rights and responsibilities under the ACA.

4. Data collection, management, and reporting. Each consumer inquiry will be recorded in HCFA's robust "cloud" web-based database. A wide range of demographic and health insurance coverage information as required by grant guidelines will be collected. As a previous CAP grant recipient, HCFA has experience with data collection, data mapping and data submission through the federal government's HIOS website. In the event reporting requirements change or expand, we will be readily prepared to adapt to any other new reporting requirements. For HCFA's CBO partners, a formalized mechanism for evaluation and data collection will be developed and integrated with HCFA's database. HLA will collect all required demographic and case information related to appeals and grievances and integrate with HCFA's database. In addition, HCFA, HLA and CBOs will collect consumer success stories and a log of outreach activities. In order to analyze problems and inquiries encountered by consumers, each month the Helpline Manager will report and review the data to quantify problems experienced by health insurance consumers as well as track resolutions. This information will allow EOHHS and other state agencies with whom HCFA works closely to identify consumer challenges and promote possible solutions to alleviating barriers that may prevent consumers from accessing coverage.

ACCESSIBILITY

HCFA's Helpline is easily accessible to consumers across the Commonwealth. Consumers can reach the Helpline through a toll-free 800 number between 9 a.m. and 5 p.m., Monday through Friday, and anytime through a 24-hour voicemail system. Additionally, inquiries may be sent via email through our website or by fax. HCFA responds to all inquiries received outside of regular business hours within the next business day. In addition, walk-in assistance is available 9 a.m. to 5p.m. Monday through Friday.

HCFA Helpline phone and email responses are available in four primary languages (Spanish, Portuguese, Italian and English) to ensure that the vast majority of those who can benefit from the Helpline can easily access it. Inquiries made in languages outside of in-house counselor capacity are referred to appropriate agencies with that language capacity. HCFA has extensive experience working with vulnerable populations including low-income, children, ethnic minorities, new immigrants, people with disabilities and chronic illnesses and individuals who lack health insurance.

In order to accommodate additional accessibility, HCFA will subcontract with ten community- based nonprofit organizations throughout the state that will serve as additional access points throughout the Commonwealth for consumers to obtain assistance. The CBOs will be culturally and linguistically competent primarily serving individuals with LEP.

PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

HCFA and HLA maintain a comprehensive Written Information Security Plan (WISP) for the protection of personal information of residents of the Commonwealth, and to comply with regulations set forth under state regulations at 201 CMR 17.00 "Standards for The Protection of

Personal Information of Residents of the Commonwealth,” as well as any other existing or potential federal, state and international personal data security regulation. The WISP is reviewed at least annually and amended as necessary to ensure compliance and continued protection of sensitive data.

PROGRAM ACCOMPLISHMENTS

HCFA’s mission is to create a consumer-centered health care system that provides comprehensive, affordable, accessible, culturally competent, high-quality care for everyone, especially the most vulnerable. It is estimated that there were 560,000 uninsured people when MA Health Reform was signed into law. As of March 2011, 439,343 residents of the Commonwealth, who lacked health insurance in 2006, have obtained quality, affordable health coverage. Effective outreach and enrollment coordinated by the Commonwealth, HCFA, and other community groups, were critical in bringing Massachusetts’s rate of insured people to more than 98.1%.

The HCFA Helpline is a unique, statewide resource operated by bilingual counseling staff, interns and volunteers. All counselors receive comprehensive training and timely updates from the HCFA Policy Department, which works closely with consumer advocacy coalitions, state agencies and lawmakers to understand eligibility rules, application procedures and health care legislation. Helpline counselors are trained to answer a full spectrum of questions, from general insurance inquiries to more complex questions about personal health care coverage, co-payments, health insurance rules and public health care program eligibility. The Helpline staff has up-to-date information about new policies, regulations and options for consumers that stem from changes in Massachusetts and those related to the ACA.

When a consumer calls the Helpline and requires assistance with complaints and appeals or in-depth legal assistance, HCFA reaches out to its partner organization, HLA. All of HLA's services are and have been provided free of charge to its clients. HLA is unquestionably Massachusetts's leading public interest legal services organization when it comes to representing consumers who have been denied access to health care because of adverse action by private health insurers. In addition to offering its singular expertise handling private health plan appeals for lower income consumers, HLA handles a large volume of cases with relatively modest resources.

As noted above, in October 2010, EOHHS in partnership with HCFA and HLA was awarded a Consumer Assistance Program (CAP) grant by the Centers for Medicare & Medicaid Services, Centers for Consumer Information and Insurance Oversight. EOHHS, HCFA and HLA collaborated on implementing the Massachusetts Consumer Assistance Program (MA CAP). During the grant term period of 10/15/10 – 11/15/11 HCFA's HelpLine handled 27,895 cases involving individuals seeking assistance with health care. In that same time period, HCFA helped complete 3,211 applications and renewal forms for Medicaid and other subsidized coverage options. HLA helped 221 consumers with filing appeals and grievances related to adverse actions on the part of their health care insurers during the CAP grant term period. HLA was able to close 178 of these cases (81%) with a resolution, which included: 1.) HLA taking action on behalf of the client; 2.) after conducting an investigation, providing information, guidance or a referral to assist the individual in finding other resources; 3.) making a determination that no action was appropriate; or 4.) closing the file due to the client's non-responsiveness. For these closed cases, 69 were resolved with favorable outcomes, such as an insurance denial that was overturned in full or in part (39%). Another 73 clients were provided

with educational materials (41%). Financially, this work resulted in a total of \$358,656 in healthcare services won for clients and the elimination of \$107,200 in medical debt.

The 2010-2011 MA CAP program also developed and widely distributed ACA fact sheets and MA CAP outreach materials, as well as developed a dedicated Massachusetts Consumer Assistance Program website with information about the program and resources. HCFA, in April 2012, launched a robust new “cloud” database that substantially increases the program’s ability to collect, track, and analyze its inquiries. The new database generates populated application and renewal forms for Massachusetts state subsidized health care coverage programs and tracks each step of the application and enrollment process for consumers assisted by HCFA. During the period subsequent to the 2010-2011 CAP grant (12/1/11 – 6/30/12) HCFA has handled close to additional 18,000 cases, along with 1,400 applications and renewal forms for Medicaid and other subsidized coverage options. In that same time period HLA has assisted 254 Massachusetts consumers in legal matters involving commercial health plans. The current CAP grant funding will make possible assistance provided by the Helpline and HLA and also afford the opportunity to greatly enhance our consumer assistance activities by implementing a statewide grassroots consumer education campaign, launching a targeted marketing campaign to LEP individuals and building greater capacity and more accessibility through additional access points for consumers through newly formed CBO partnerships.

EXPERTISE OF CONSUMER ASSISTANCE PROGRAM PERSONNEL

The HCFA/HLA/CBOs partnership and experience provides the track record to reach consumers across the state of all ages, from all backgrounds, including those who are in lower income brackets, individuals from ethnic minority backgrounds, new immigrants, people with disabilities and chronic illnesses, and individuals who lack insurance. HCFA Helpline

Counselors receive extensive on-going training from the Helpline Manager and are able to answer questions regarding private insurance, the state's subsidized coverage, and Medicaid and CHIP programs. Counselors help resolve problems and make appropriate referrals. HCFA's Outreach Manager and Outreach Coordinator will work directly with CBO partners and consumers in targeted communities to help educate and them about their health care options and with accessing care. The HCFA staffing pattern totals 1.77 FTEs – see budget narrative for details.

In finding the appropriate community based organizations (CBOs) with which to partner, HCFA will leverage existing organizational relationships and new potential partnerships in hard to reach, underserved, limited-English speaking communities that will be identified in order to ensure a broad statewide network and to maximize impact. HCFA will compensate participating CBOs through stipends. HCFA and HLA will also develop and launch a comprehensive training program for the CBO partners to ensure appropriate and effective outcomes for consumers seeking their assistance. See budget narrative for details.

HLA's legal staff attorneys are recognized as leading experts on Massachusetts's health care reform law, national health reform and consumer protection regulations of private health plans. The organization is led and staffed by attorneys with extensive health care advocacy experience. HLA's legal team members are frequently invited as panelists, commentators, trainers, and authors on health reform and private insurance issues from consumers' perspective. The HLA staffing pattern total 1.0 FTE – see budget narrative for details. To continuously improve consumer assistance activities, MA CAP staff will participate in all workshops/trainings and grantee meetings offered by CCIIO.